

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

BARBARA JONES,

Plaintiff,

vs.

UNIVERSAL HEALTH SERVICES, INC.,  
KEYSTONE MARION, LLC, and  
KEYSTONE EDUCATION AND YOUTH  
SERVICES, LLC, all d/b/a MARION  
YOUTH CENTER,

Defendants.

Civil Action No. 1:10-CV-00046

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**DEFENDANT UNIVERSAL HEALTH SERVICE'S MOTION TO DISMISS**

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Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure Defendant Universal Health Services ("UHS"), by counsel, hereby moves the Court to dismiss the complaint filed by plaintiff Barbara Jones ("Plaintiff"). As grounds for its motion, which are set forth more fully in Defendants Keystone Education and Youth Services, LLC, and Keystone Marion LLC's Memorandum of Law in Support of their Partial Motion to Dismiss, UHS submits that the claims of retaliation and/or discrimination under the False Claims Act, and of wrongful discharge under Virginia Common law, advanced in the Plaintiff's Complaint fail as a matter of law and should be dismissed with prejudice. Further, as set forth more fully in Defendant Universal Health Service's Brief in Support of its Motion to Dismiss Plaintiff's Complaint, UHS asserts that Plaintiff fails to sufficiently allege facts supporting a finding that UHS was her "employer" which serves as independent grounds for dismissal of Plaintiff's Complaint. Wherefore, UHS

moves for dismissal of Plaintiff's Complaint, with prejudice, pursuant to Rule 12(b)(6) for Plaintiff's failure to state a claim upon which relief can be granted.

Dated: December 10, 2010

Respectfully submitted,

UNIVERSAL HEALTH SERVICES, INC.

/s/

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*Counsel for Defendant Universal Health Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2010, I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using the CM/ECF, which will send notification of such filing to the following:

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\_\_\_\_\_/s/\_\_\_\_\_  
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